GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri Arigela Veerabhadra Rao S/o Subhanna, Retd. Sr. Divisional Officer, 14/V-21, Anna Nagar, Chennai, against the proceedings Rc.No.C3/3128/2003, dated:06.10.2005 of the Dist. Collector, West Godavari - under section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No. 16/1993) – Appeal Petition dismissed – Orders Issued.

TRIBAL WELFARE (CV2) DEPARTMENT

G.O.MS.No. 24 Dated: 01-03-2016

Read the following:

Ref:- 1. Proceedings of the District Collector, West Godavari, Rc.No. C3/3128/2003, dated:06.10.2005.
2. Appeal Petition filed by Sri Arigela Veerabhadra Rao S/o Subhanna, Retd. Sr. Divisional Officer, 14/V-21, Anna Nagar, Chennai, through his Advocate before M(SW), dated 21.06.2006.
3. Govt. Memo No.7337/CV.2/2006-1, S.W(CV.2) Department, dated 03.07.2006.
4. Order of the Hon'ble High Court of A.P., Hyderabad in W.P. No. 13855/2006, dated 11.07.2006.
5. From the Dist. Collector, West Godavari, Lr.No.Rc.C3.6988/2006, dated 01.11.2006 & 04.03.2008.
6. Govt. Memo No.7337/CV.2/2006-1, S.W(CV.2) Department, dated 17.06.2008. .
7. Govt. Letter No.7337/CV.2/2006, S.W(CV.2) Department, dated 18.09.2008 &10.06.2010.
8. Govt. Letter No.7337/CV.2/2006, T.W(CV.2) Department, dated 10.04.2015 & 22.05.2015.
9. Written arguments filed by the Appellant before the Government on 13.06.2015.

ORDER:

In the reference 1st read above, the District Collector, West Godavari has issued orders canceling ST- Konda Kapu Caste Certificate obtained from the then Tahsildar, Madras.11 (North West) on 1968 by Sri Arigela Veerabhadra Rao S/o Subhanna.

2. In the reference 2nd read above, Sri Arigela Veerabhadra Rao S/o Subhanna, has filed an Appeal Petition before the Government against the said Proceedings of the District Collector, West Godavari. After examination, Government have admitted the said Appeal Petition and called for the parawise remarks and connected records from the District Collector, West Godavari in the reference 3rd read above.

3. Sri Arigela Veerabhadra Rao S/o Subhanna has filed W.P. No. 13855/2006 before the Hon'ble High Court, against the Govt. Memo No.7337/CV.2/2006-1, S.W(CV.2) Department, dated 03.07.2006. In the reference 4th read above, the Hon'ble High Court of Andhra Pradesh, while disposing the said WP on 11.07.2006 has directed the Government to dispose off the appeal as expeditiously as possible, preferably within a period of three months from the date of receipt of the order and till such time, the proceedings issued by the District Collector, West Godavari shall not be given effect to. But due to several administrative difficulties the matter could not be disposed before the said date however, after giving notices from time to time to the Appellant through his Counsel the matter has been examined by the Appellate Authority.

[P.T.O]

4. In the reference 5th read above, the District Collector, West Godavari has furnished the Parawise remarks and connected records on the said Appeal Petition filed by Sri Arigela Veerabhadra Rao S/o Subhanna.

5. The said Appeal Petition has been posted for hearing on 17.06.2008, 24.09.2008, 25.06.2010, 23.05.2015 & finally on 13.06.2015 and the same has been informed to the Appellant and the Counsel for the Appellant and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the Community Claim, failing which, it will be construed that there is no claim what-so-ever in the matter and it will be decided based on the material available with the Government in the references 6th, 7th & 8th read above. The Appellant, was present and argued the case and explained his community status and filed Written Arguments before the Appellate Authority in support of his community claim in the reference 9th read above.

6. During the hearings after heard both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the appellant / the parawise remarks submitted by the District Collector, West Godavari and proceedings of the District Collector, West Godavari dated 06.10.2005, it is observed that the Appellant was born on 20.12.1935 in 'Tadiparu', Undrajavaram Mandal of West Godavari District. His father originally belongs to Scheduled Area and migrated to Undrajavaram Mandal. As his father died when he was an infant, his Maternal grandfather took him to 'Nidadavolu' and he is also migrated from Scheduled Area. Finally he has stated that he belongs to ST-Konda Kapu community as per the School Records issued under the authorities of Government of Madras.

7. Further it is also observed that the Appellant has not produced any relevant documents/material in support of his ST-Konda Kapu community claim before the Appellate Authority at the time of hearing except school record, which is generated based, on declaration given by the parents. Hence it can be held that mere school certificates cannot be accepted as reflection of true caste of person. Further there is no documentary evidence of his fore-fathers/father relating to ST-Knda Kapu community to confirm that the Appellant belongs to ST-Konda Kapu Community and the Appellant failed to produce any evidence even though lot of opportunity was given to him even by the Government. The burden, on the appellant U/S 6 is not discharged. Hence Government have examined the entire record & material relevant to the instant case and it is decided that the Appellant obtained caste certificate fraudulently and the appellant has no iota of evidence to show that his grandparents, parents or any relatives belong to ST-Konda Kapu community. Hence it is apparent that the Appeal is devoid of any merits and there is no infirmity found either in the order of the learned DLSC or the District Collector, West Godavari.

9. The Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decided that the Appeal Petition filed by Sri Arigela Veerabhadra Rao S/o Subhanna does not deserve any interference. Hence, Proceedings of the District Collector, West Godavari issued vide Rc.No.C3/3128/2003, dated:06.10.2005, is hereby upheld and the Appeal Petition filed by Sri Arigela Veerabhadra Rao S/o Subhanna is hereby dismissed and the Certificate issued by the then Tahsildar, Madras.11 (North West) is deemed to be cancelled.

10. Consequently, the District Collector, West Godavari shall take necessary action in the matter.

[Contd…]

11. The records (containing Rc.No.C3/3128/2003, dated:06.10.2005, pages 318 cf & 34 nf & R.Dis. 14040/93, dated 15.12.1993, pages 120 cf & 8 pages nf) received from District Collector, West Godavari through in the reference 5th read above, are returned herewith in original to the District Collector, West Godavari and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S. SOLOMON AROKIARAJ
SPECIAL CHIEF SECRETARY TO GOVERNMENT(FAC)

To
The District Collector , West Godavari (w.e)
(with original records)

Sri Arigela Veerabhadra Rao S/o Subhanna,
Retd. Sr. Divisional Accouts Officer,
14/V-21, 14th street, V-Block, Anna Nagar,
Chennai, Tamil Nadu.

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H.No. 2-218/40/10, D.D. Colony,
Bagh Amberpet, Hyderabad-500 013.

Copy to:
The Director, TCR & TI, A.P., Hyderabad.
The P.S. to Hon'ble Minister(SWE&TWE)
The P.S. to Special Chief Secretary to Government(FAC)(TW)
The Deputy Chief Accounts Officer/ Genl., South Central Railway,
FA & CAO's Office, Rail Nilayam, Secunderabad.

// FORWARDED:: BY ORDER //

SECTION OFFICER